



Sector 18

+

PTO/SB/21 (modified)

Approved for use through xx/xx/xx, OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<b>TRANSMITTAL FORM</b> (to be used for all correspondence during pendency of filed application)	0001/PTO Rev. 10/95	U.S. Department of Commerce Patent and Trademark Office	Application Number	09/715,385
			Filing Date	November 16, 2000
			First Named Inventor	Nicholas J. Rush
			Group Art Unit Number	3711
			Examiner Name	Not yet known
Total Number of Pages in This Submission		48	Attorney Docket Number	4862

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input checked="" type="checkbox"/> Check Enclosed (\$1,150.00) <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Response to Notice to File Missing Parts <input type="checkbox"/> Assignment & Recordation Cover Sheet <input checked="" type="checkbox"/> Declaration <input checked="" type="checkbox"/> Power of Attorney <input checked="" type="checkbox"/> Application Data Sheet <input type="checkbox"/> Information Disclosure Statement & PTO-1449 <input type="checkbox"/> Copies of IDS Cited References <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Request for Correction of Recorded Assignment <input type="checkbox"/> Amendment/Response: [ ] Page(s) <input type="checkbox"/> After Final <input type="checkbox"/> Status Request <input type="checkbox"/> Revocation and Substitute Power of Attorney	<input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Letter to Chief Draftsperson <input type="checkbox"/> Formal Drawing(s): [ ] Sheet(s) of Figure(s) [ ] <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> After Allowance Communication to Group <input checked="" type="checkbox"/> Declaration by Amir H. Raubvogel <input checked="" type="checkbox"/> Declaration by Reuben L. Nocos <input checked="" type="checkbox"/> Petition for Filing on Behalf of Omitted Inventors <input checked="" type="checkbox"/> Copy of Notice to File Missing Parts <input type="checkbox"/> <input type="checkbox"/>
---	---

**REMARKS:****SIGNATURE OF ATTORNEY OR AGENT**

Signature:			
Attorney/Reg. No.:	Amir H. Raubvogel, Reg. No. 37,070	Dated:	July 20, 2001

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.			
Signature:			
Typed or Printed Name:	Amir H. Raubvogel	Dated:	July 20, 2001
Express Mail Mailing Number (optional):			

19615/04862/DOCS/1192473.1



<b>FEE TRANSMITTAL</b>  <b>TOTAL AMOUNT OF PAYMENT</b> Subtotal (1) + Subtotal (2) + Subtotal (3) = <b>(\$ 1,150.00)</b>	0062 (Rev. 10/2000) (modified) U.S. Department of Commerce Patent and Trademark Office	<b>Complete if Known</b>	
	Application Number	09/715,385	
	Filing Date	November 16, 2000	
	First Named Inventor	Nicholas J. Rush	
	Group Art Unit	3711	
	Examiner Name	Not yet known	
Attorney Docket Number	4862		

METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																									
<b>1. The Commissioner is hereby authorized to:</b>  <input type="checkbox"/> Charge the indicated fees to the below mentioned deposit account.  <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. <sup>†</sup>  <input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27  Deposit Account Number: 19-2555 Deposit Account Name: FENWICK & WEST LLP  A Duplicate Copy of this authorization is attached  <b>2. <input checked="" type="checkbox"/> Payment Enclosed:</b> <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Other		<b>3. ADDITIONAL FEES</b> <table border="1"><thead><tr><th>Large Entity Fee Code/Fee</th><th>Small Entity Fee Code/Fee</th><th>Fee Description</th><th>Fee Due</th></tr></thead><tbody><tr><td>105/\$130</td><td>205/\$65</td><td>Surcharge - late filing fee or oath</td><td><b>130</b></td></tr><tr><td>127/\$50</td><td>227/\$25</td><td>Surcharge-late provisional filing fee or cover sheet</td><td></td></tr><tr><td>147/\$2,520</td><td>147/\$2,520</td><td>For filing a request for reexamination</td><td></td></tr><tr><td>115/\$110</td><td>215/\$55</td><td>Extension for response within first month<sup>†</sup></td><td></td></tr><tr><td>116/\$390</td><td>216/\$195</td><td>Extension for response within second month<sup>†</sup></td><td></td></tr><tr><td>117/\$890</td><td>217/\$445</td><td>Extension for response within third month<sup>†</sup></td><td><b>890</b></td></tr><tr><td>118/\$1,390</td><td>218/\$695</td><td>Extension for response within fourth month<sup>†</sup></td><td></td></tr><tr><td>128/\$1,890</td><td>228/\$945</td><td>Extension for response within fifth month<sup>†</sup></td><td></td></tr><tr><td>119/\$310</td><td>219/\$155</td><td>Notice of Appeal</td><td></td></tr><tr><td>141/\$1,240</td><td>241/\$620</td><td>Petition to revive unintentionally abandoned application</td><td></td></tr><tr><td>142/\$1,240</td><td>242/\$620</td><td>Utility Issue Fee (Or Reissue)</td><td></td></tr><tr><td>143/\$440</td><td>243/\$220</td><td>Design Issue Fee</td><td></td></tr><tr><td>122/\$130</td><td>122/\$130</td><td>Petitions to the Commissioner</td><td><b>130</b></td></tr><tr><td>126/\$180</td><td>126/\$180</td><td>Submission of Information Disclosure Statement</td><td></td></tr><tr><td>179/\$710</td><td>279/\$355</td><td>Request for Continued Examination (RCE)</td><td></td></tr><tr><td>581/\$40</td><td>581/\$40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr><tr><td>146/\$710</td><td>246/\$355</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr><tr><td>149/\$710</td><td>249/\$355</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr><tr><td colspan="2">Other fee (specify):</td><td></td><td></td></tr><tr><td colspan="2">Other fee (specify):</td><td></td><td></td></tr><tr><td colspan="3"><b>SUBTOTAL (3)</b></td><td><b>(\$ 1150.00)</b></td></tr></tbody></table>		Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due	105/\$130	205/\$65	Surcharge - late filing fee or oath	<b>130</b>	127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet		147/\$2,520	147/\$2,520	For filing a request for reexamination		115/\$110	215/\$55	Extension for response within first month <sup>†</sup>		116/\$390	216/\$195	Extension for response within second month <sup>†</sup>		117/\$890	217/\$445	Extension for response within third month <sup>†</sup>	<b>890</b>	118/\$1,390	218/\$695	Extension for response within fourth month <sup>†</sup>		128/\$1,890	228/\$945	Extension for response within fifth month <sup>†</sup>		119/\$310	219/\$155	Notice of Appeal		141/\$1,240	241/\$620	Petition to revive unintentionally abandoned application		142/\$1,240	242/\$620	Utility Issue Fee (Or Reissue)		143/\$440	243/\$220	Design Issue Fee		122/\$130	122/\$130	Petitions to the Commissioner	<b>130</b>	126/\$180	126/\$180	Submission of Information Disclosure Statement		179/\$710	279/\$355	Request for Continued Examination (RCE)		581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)		146/\$710	246/\$355	Filing a submission after final rejection (37 CFR 1.129(a))		149/\$710	249/\$355	For each additional invention to be examined (37 CFR 1.129(b))		Other fee (specify):				Other fee (specify):				<b>SUBTOTAL (3)</b>			<b>(\$ 1150.00)</b>
Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due																																																																																								
105/\$130	205/\$65	Surcharge - late filing fee or oath	<b>130</b>																																																																																								
127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet																																																																																									
147/\$2,520	147/\$2,520	For filing a request for reexamination																																																																																									
115/\$110	215/\$55	Extension for response within first month <sup>†</sup>																																																																																									
116/\$390	216/\$195	Extension for response within second month <sup>†</sup>																																																																																									
117/\$890	217/\$445	Extension for response within third month <sup>†</sup>	<b>890</b>																																																																																								
118/\$1,390	218/\$695	Extension for response within fourth month <sup>†</sup>																																																																																									
128/\$1,890	228/\$945	Extension for response within fifth month <sup>†</sup>																																																																																									
119/\$310	219/\$155	Notice of Appeal																																																																																									
141/\$1,240	241/\$620	Petition to revive unintentionally abandoned application																																																																																									
142/\$1,240	242/\$620	Utility Issue Fee (Or Reissue)																																																																																									
143/\$440	243/\$220	Design Issue Fee																																																																																									
122/\$130	122/\$130	Petitions to the Commissioner	<b>130</b>																																																																																								
126/\$180	126/\$180	Submission of Information Disclosure Statement																																																																																									
179/\$710	279/\$355	Request for Continued Examination (RCE)																																																																																									
581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)																																																																																									
146/\$710	246/\$355	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																									
149/\$710	249/\$355	For each additional invention to be examined (37 CFR 1.129(b))																																																																																									
Other fee (specify):																																																																																											
Other fee (specify):																																																																																											
<b>SUBTOTAL (3)</b>			<b>(\$ 1150.00)</b>																																																																																								
<b>1. FILING FEE</b> <table border="1"><thead><tr><th>Large Entity Fee Code/Fee</th><th>Small Entity Fee Code/Fee</th><th>Fee Description</th><th>Fee Due</th></tr></thead><tbody><tr><td>101/\$710</td><td>201/\$355</td><td>Utility Filing</td><td></td></tr><tr><td>106/\$320</td><td>206/\$160</td><td>Design Filing</td><td></td></tr><tr><td>108/\$710</td><td>208/\$355</td><td>Reissue</td><td></td></tr><tr><td>114/\$150</td><td>214/\$75</td><td>Provisional Filing</td><td></td></tr><tr><td colspan="3"><b>SUBTOTAL (1)</b></td><td><b>(\$ 0.00)</b></td></tr></tbody></table>		Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due	101/\$710	201/\$355	Utility Filing		106/\$320	206/\$160	Design Filing		108/\$710	208/\$355	Reissue		114/\$150	214/\$75	Provisional Filing		<b>SUBTOTAL (1)</b>			<b>(\$ 0.00)</b>																																																																		
Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due																																																																																								
101/\$710	201/\$355	Utility Filing																																																																																									
106/\$320	206/\$160	Design Filing																																																																																									
108/\$710	208/\$355	Reissue																																																																																									
114/\$150	214/\$75	Provisional Filing																																																																																									
<b>SUBTOTAL (1)</b>			<b>(\$ 0.00)</b>																																																																																								
<b>2. CLAIMS</b> <table border="1"><thead><tr><th>Large Entity Fee Code/Fee</th><th>Small Entity Fee Code/Fee</th><th>Fee Description</th></tr></thead><tbody><tr><td>103/\$18</td><td>203/\$9</td><td>Claims in excess of 20</td></tr><tr><td>102/\$80</td><td>202/\$40</td><td>Independent claims in excess of 3</td></tr><tr><td>104/\$270</td><td>204/\$135</td><td>Multiple dependent claim</td></tr><tr><td>109/\$80</td><td>209/\$40</td><td>Reissue independent claims over original patent</td></tr><tr><td>110/\$18</td><td>210/\$9</td><td>Reissue claims in excess of 20 and over original patent</td></tr></tbody></table>		Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	103/\$18	203/\$9	Claims in excess of 20	102/\$80	202/\$40	Independent claims in excess of 3	104/\$270	204/\$135	Multiple dependent claim	109/\$80	209/\$40	Reissue independent claims over original patent	110/\$18	210/\$9	Reissue claims in excess of 20 and over original patent																																																																								
Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description																																																																																									
103/\$18	203/\$9	Claims in excess of 20																																																																																									
102/\$80	202/\$40	Independent claims in excess of 3																																																																																									
104/\$270	204/\$135	Multiple dependent claim																																																																																									
109/\$80	209/\$40	Reissue independent claims over original patent																																																																																									
110/\$18	210/\$9	Reissue claims in excess of 20 and over original patent																																																																																									
		<table border="1"><thead><tr><th colspan="2">(Col. 1)</th><th colspan="2">(Col. 2)</th><th colspan="2">(Col. 3)</th><th colspan="2"></th><th colspan="2"></th></tr><tr><th>For</th><th>No. of Existing Claims</th><th>Highest No. Previously Paid For</th><th></th><th>Extra**</th><th>Fee</th><th></th><th>Fee Due</th></tr></thead><tbody><tr><td>TOTAL</td><td></td><td>20 or 0</td><td>=</td><td></td><td>x</td><td>=</td><td></td></tr><tr><td>INDEP</td><td></td><td>3 or 0</td><td>=</td><td></td><td>x</td><td>=</td><td></td></tr><tr><td colspan="8">[ ] First presentation of multiple dependent claim</td><td></td><td></td></tr></tbody></table>		(Col. 1)		(Col. 2)		(Col. 3)						For	No. of Existing Claims	Highest No. Previously Paid For		Extra**	Fee		Fee Due	TOTAL		20 or 0	=		x	=		INDEP		3 or 0	=		x	=		[ ] First presentation of multiple dependent claim																																																					
(Col. 1)		(Col. 2)		(Col. 3)																																																																																							
For	No. of Existing Claims	Highest No. Previously Paid For		Extra**	Fee		Fee Due																																																																																				
TOTAL		20 or 0	=		x	=																																																																																					
INDEP		3 or 0	=		x	=																																																																																					
[ ] First presentation of multiple dependent claim																																																																																											
		* Subtract the greater number of Col. 2		<b>SUBTOTAL (2)</b>		<b>(\$ 0.00)</b>																																																																																					
		** If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3																																																																																									

<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>	
Typed or Printed Name	Amir H. Raubvogel	Reg. Number	37,070
Signature		Date	July 20, 2001

19615/04862/DOCS/1192476.1



PATENT

IN THE UNITED STATES

PATENT AND TRADEMARK OFFICE

APPLICANTS: Nicholas J. Rush, Jason M. Kapalka, and Sukhbir S. Sidhu  
APPLICATION NO.: 09/715,385  
FILING DATE: November 16, 2000  
TITLE: Positive-Return Gambling  
EXAMINER: Not yet known  
GROUP ART UNIT: 3711  
ATTY. DKT. NO.: 4862

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner For Patents, Washington, D.C. 20231, on the date shown below:

Dated: JUL 20/01

By:

Amir H. Raubvogel, Reg. No. 37,070

BOX MISSING PARTS  
COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING  
PARTS OF APPLICATION

SIR:

Responsive to the Notice to File Missing Parts dated February 27, 2001 received in the above-identified patent application,

☒ Enclosed are:

- ☒ a copy of the Notice to File Missing Parts;
- ☒ an original Declaration and an original Power of Attorney signed by Nicholas J. Rush;
- ☒ an original, signed Petition on Behalf of Omitted Inventors Under 37 C.F.R. Section 1.47(a);
- ☒ an original, signed Declaration by Reuben L. Nocos of Facts in Support of Filing on Behalf of Omitted Inventor Under 37 C.F.R. Section 1.47(a);

☒ an original, signed Declaration by Amir H. Raubvogel of Facts in Support of Filing on Behalf of Omitted Inventors Under 37 C.F.R. Section 1.47(a);

☒ an Application Data Sheet;

☒ payment in the amount of \$1,150.00 for the

☒ Petition Fee;

☒ Fee for extension of time for response within 3 months; and


☒ Missing parts surcharge.

☐ Other

☐ Applicant claims small entity status under 37 C.F.R. § 1.27.

Respectfully submitted,  
Nicholas J. Rush, Jason M. Kapalka,  
and Sukhbir S. Sidhu

Dated: July 20, 2001

By:   
Amir H. Raubvogel, Reg. No. 37,070  
Fenwick & West LLP  
Two Palo Alto Square  
Palo Alto, CA 94306  
Tel.: (650) 858-7276  
Fax: (650) 494-1417



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov



APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/715,385	11/16/2000	Nicholas J. Rush	4842

Mr. H. Raubvogel  
Fenwick & West LLP  
Two Palo Alto Square  
Palo Alto, CA 94306

## FORMALITIES LETTER



\*OC000000005806473\*

Date Mailed: 02/27/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

07/23/2001 0ZERGAW1 00000133 09715385

00 00:00

130.00 00